IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 31615 of 2007(L)

AGAINST THE ORDER DATED 11/04/2007 IN IA 2132/06 IN OS.330/2004 of MUNSIFF COURT, PUNALUR

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PETITIONER:

SAMUEL, AGED 75 YEARS, S/O. JOHN,
CHEMPIL VEEDU, MOONAMALAYIL, ELIKKATTOOR MURI,
PIRAVANTHOOR VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON

RESPONDENT:

AMUDA, AGED 43 YEARS, D/O. CHELLAMMA,
SARASWATHI VILASTHU VEEDU, MUKKADAVU,
PIRAVANTHOOR VILLAGE, KOLLAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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M.N. KRISHNAN, J.

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W.P.C. NO. 31615 OF 2007

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Dated this the 24th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Exts.P2, P3 and P6 orders. The plaintiff is the writ petitioner before the Court. He had obtained an exparte decree on 11.8.05. The defendant moved two applications I.A.2132 and 2133/06 for condoning the delay and setting aside the exparte decree. The learned Munsiff by one sentence order allowed both the applications. It is to review that order I.A.844/07 is filed by the plaintiff. The Court condoned the delay but dismissed the application holding that there is no error apparent on the face of the records. The learned Munsiff has not written a speaking order. The relevant application runs into pages and many grounds are raised therein. One should feel that the Court has considered those materials, applied its mind and passed orders. This Court on so many occasions had pointed out that one can write brief orders but not blank orders. I

remind the learned Munsiff of the same and set aside the order passed by her in I.A.844/07 and direct her to consider that application afresh after hearing both sides. Since I am disposing of the writ petition at the admission stage itself the Court shall give notice to the other side, hear both sides and dispose of the matter in accordance with law. The writ petitioner is directed to appear before the Court below on 30.11.07 and on that day the Court shall fix a date of appearance of the defendant as well in the suit and then proceed with the matter.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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